

Remarks

Claims 1-19, 22, and 25 are currently pending and stand rejected under 35 USC 103(a). Applicants assert that the claims are in condition for allowance as set forth more fully below.

Interview Summary

An interview with the Examiner was conducted in February of 2006. During the interview, deficiencies in the Hendricks reference were discussed. Namely, it was discussed that the customization provided by Hendricks is for presenting options to the user and allowing the user to choose from those options, but that at no point does a computer make a selection of items based on the customer type. Instead, all options are apparently provided and the customer makes the selection from those options.

103 Rejections

Claims 1-4, 7-13, 16-19, 22, and 25 are rejected under 35 USC 103(a) as being unpatentable over Rutkowski (US Pat 5,826,270) in view of Hendricks (US Pat 6,539,548). Rutkowski fails to disclose the computer selecting one or more items corresponding to the received customer type from a set of items, instructions that provide a list of the one or more selected items, and instructions that receive a selection corresponding to the received request from the customer from the one or more items as recited in claims 1 and 11. The Office Action concedes that Rutkowski fails to disclose selecting by the computer one or more items corresponding to customer type from a set of items. However, the Office Action has stated that Hendricks accounts for that deficiency of Rutkowski. Without conceding that there is motivation to modify Rutkowski based on the disclosure of Hendricks, Applicants assert that such a combination fails to render the claims obvious because the combination fails to address all of the elements of the claims.

Applicants reassert the points stated in the previously filed resply regarding Henricks failure to account for these deficiencies. In addressing Applicants previous arguments regarding Hendricks failing to account for the deficiencies, the Office Action has stated that the applicant has admitted that Hendricks discloses customization of the

date and time at column 34, lines 60 and thereafter. The Office Action then concludes by stating that this customization is an item.

This statement in the Office Action indicates a misapplication of the customization of Hendricks to the recitations of the claims. The independent claims 1 and 11 includes recitations to the computer selecting one or more items corresponding to customer type from a set of items. These claims then recite that the one or more selected items are displayed for selection by the customer.

The customization offered by Hendricks is simply to provide a list of all customization options (e.g., date and time) to the customer and then allow the customer to select the appropriate option. There is no disclosure that a computer has selected the items for the list to be presented to the customer. Column 35, line 2 specifically states that “[t]hese windows may be customized by subscribers using on-screen menu displays following the introductory menu 1000.” The options for customizing date and time are not said to be for one type of customer relative to another, but are simply displayed so that any customer with access to that menu can customize how the date or time is displayed. Thus, it is important to focus on the failure of Hendricks to disclose the computer selecting items based on customer type. Since Hendricks lacks such a disclosure, Hendricks fails to account for this deficiency in Rutkowski.

Accordingly claims 1-19, 22, and 25 are allowable after final over the cited combination for at least these reasons.

Conclusion

Applicants assert that the application including claims 1-19, 22, and 25 is now in condition for allowance. Applicants request reconsideration after final in view of the remarks above and further request that a Notice of Allowability be provided. Should the Examiner have any questions, please contact the undersigned.

No fees are believed due. However, please charge any additional fees or credit any overpayment to Deposit Account No. 50-3025.

Respectfully submitted,

Date: March 6, 2006

A handwritten signature in black ink, appearing to read "Jeramie J. Keys", written over a horizontal line.

Jeramie J. Keys
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